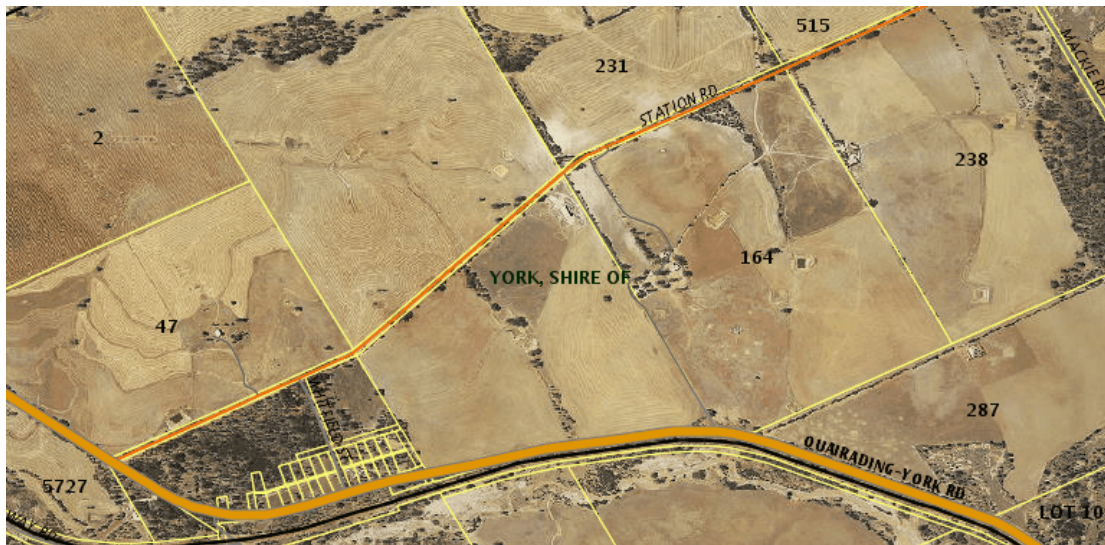


## LOCALITY PLAN



## SITE PLAN





## RECOMMENDED APPROVED USE AREA





**ASSESSMENT REPORT**

**MATTERS FOR CONSIDERATION**

- a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.

York Town Planning Scheme No. 2 ('the Scheme')

The property is zoned 'General Agriculture' under the Scheme. The objectives of the zone are:

- (a) *"To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities."*
- (b) *"To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment."*
- (c) *"To allow for facilities for tourists and travellers, and for recreation uses."*
- (d) *"To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities."*

Rural Industry is a permitted use in the General Agriculture zone under the Scheme. A Rural Industry means:

*"an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality".*

The maintenance and storage of farming equipment for local farmers and storage of equipment for farming use by local farmers is consistent with the definition of 'rural industry'.

Incidental Uses are permitted under the Scheme if the use is incidental to the predominant use as decided and approved by the local government. The definition of 'incidental use' in the Scheme means:

*"a use of land or buildings which is ancillary and subordinate to the predominant use".*

The predominant use of the site is 'rural industry' and the 'incidental use' will involve the maintenance of equipment for the mining industry. The applicant has advised that the maintenance does not include large mining trucks or other large equipment. It is recommended that a condition be imposed regarding this issue.

It is considered that the development is consistent with the definitions of a 'rural industry' and 'incidental use' and the zone objectives. The continued use will not result affect any broad-hectare agricultural activities or impact on natural resources or the environment.

Clause 5.3.1 provides Council the power to control advertisements. An advertising sign has been erected on the corner of Quairading and Station Roads to advertise the business without the prior approval of Council. The advertising sign is included in this retrospective application and owner's consent has been provided. The continued display of the advertising sign is continued appropriate subject to the wording being amended to reflect the approved activities.

Clause 7.14 of the Schemes enables Council to grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms with the provisions of the Scheme.

b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.
There are no new schemes or amendments proposed for the site or locality.
c) Any approved statement of planning policy of the Commission.
There are no statements applicable.
d) Any approved environmental protection policy under the <i>Environmental Protection Act 1986</i> .
There are no policies applicable.
e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.
There are no policies or strategies applicable.
f) Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.
<p><u>Local Planning Policy – Retrospective Planning Applications</u></p> <p>Council at its Ordinary Meeting held on 18 July 2011 resolved to adopt the Local Planning Policy – Retrospective Planning Applications. The Policy provides guidelines on the assessment and determination of applications and fees.</p> <p>This application is retrospective for a home business that has commenced without approval. The Policy states that the application is to be treated as if they were new proposals for planning approval.</p> <p>The assessment of this application has been conducted in accordance with the Policy.</p> <p>If Council approves or refuses the application, it has the choice to initiate legal proceedings for commencing a use without approval.</p>
g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.
The land is not reserved under the scheme.
h) The conservation of any place that has been entered in the Register within the meaning of the <i>Heritage of Western Australia Act 1990</i> , or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.
The site is not heritage listed or within a heritage precinct.
i) The compatibility or a use or development with its setting.
The development is considered consistent with the objectives of the 'General Agriculture' zone and can be compatible with agricultural uses subject to conditions of consent.

j) Any social issues that have an effect on the amenity of the locality.
No social issues identified.
k) The cultural significance of any place or area affected by the development.
No area or place of cultural significance affected by the proposal.
l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.
One submission has raised concerns regarding sand blasting and spray painting activities that are carried out in open-air. It is recommended that a condition of consent be imposed requiring such activities to be carried out within an approved structure. No other environmental issues have been identified associated with this development.
m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.
No natural constraints affect the proposal.
n) The preservation of the amenity of the locality.
The amenity of the locality will not be affected by the development, if approved subject to the recommended conditions of consent.
o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.
The proposal is considered in context with the agricultural and rural activities of the locality. The incidental use can only be approved as incidental to the predominant rural use of the property.
p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.
Access and egress from the property is sufficient for the proposal.
q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.
Station Road is considered to have sufficient capacity for the proposal. There is no proposal to maintain large mining trucks or other heavy equipment.
r) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.
Not applicable to proposal.

s) Whether public utility services are available and adequate for the proposal.									
Existing.									
t) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).									
Not applicable to proposal.									
u) Whether adequate provision has been made for access by disabled persons.									
Not applicable to proposal.									
v) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.									
Landscaping for screening purposes will be required as conditions of consent.									
w) Whether the proposal is likely to cause soil erosion and degradation.									
The proposal is unlikely to cause soil erosion or degradation.									
x) The potential loss of any community service or benefit resulting from the planning consent.									
No community service or benefit will be affected by the proposal.									
y) Any relevant submissions received on the application.									
<p>The application was advertised in accordance with Clause 7.3 of the York Town Planning Scheme No. 2. Notices were sent to adjoining landowners, placed in the newspaper, Council's Office and website.</p> <p>Three (3) submissions were received regarding the proposal – two in support (one conditionally) and one objecting.</p> <p>The issues raised in the submissions, particularly the objection, have been assessed as follows:</p> <table><tr><th>Submitter (For/Against)</th><th>Submission Received</th><th>Planning Comment</th></tr><tr><td>Landowner (For)</td><td>Business is highly complementary to agriculture. Please to help another diverse business.</td><td>Noted. Agree.</td></tr><tr><td>Landowner (For)</td><td>No objection. Recommend conditions:<ul style="list-style-type: none"><li>No structures, storage, equipment within 3m of boundary;</li><li>Tree planting 4m from fence from Station Rd boundary to gate in fence;</li><li>Solid fence or compound to house any</li></ul></td><td>Agree. Conditions appropriate to reduce any unsightliness associated with use.</td></tr></table>	Submitter (For/Against)	Submission Received	Planning Comment	Landowner (For)	Business is highly complementary to agriculture. Please to help another diverse business.	Noted. Agree.	Landowner (For)	No objection. Recommend conditions: <ul style="list-style-type: none"><li>No structures, storage, equipment within 3m of boundary;</li><li>Tree planting 4m from fence from Station Rd boundary to gate in fence;</li><li>Solid fence or compound to house any</li></ul>	Agree. Conditions appropriate to reduce any unsightliness associated with use.
Submitter (For/Against)	Submission Received	Planning Comment							
Landowner (For)	Business is highly complementary to agriculture. Please to help another diverse business.	Noted. Agree.							
Landowner (For)	No objection. Recommend conditions: <ul style="list-style-type: none"><li>No structures, storage, equipment within 3m of boundary;</li><li>Tree planting 4m from fence from Station Rd boundary to gate in fence;</li><li>Solid fence or compound to house any</li></ul>	Agree. Conditions appropriate to reduce any unsightliness associated with use.							

	equipment or material being stored.		
Landowner/complainant (Against)	<p>Does not comply with LPP – Retrospective Planning Applications.</p> <p>No definition of ‘agriculture’ in scheme that would allow unrestricted compliance.</p> <p>What defines ‘local’ in reference to local farmers?</p> <p>What does maintenance mean? Concerned about growth of business and that large farm equipment could be stored. Ugly and unnecessary.</p> <p>No specific definitions for industry uses in Scheme.</p> <p>What is the difference.</p> <p>Should be in light industry area.</p> <p>Incidental use should not be permitted in general agriculture zone. Could see large mining trucks lined up on property read for maintenance. Lack of definition would not enable Council to control the activity.</p> <p>Illegal signage that does not comply with Scheme.</p> <p>Sandblasting and painting activities could affect neighbours health and environment.</p> <p>Any approval could not be contained and has no place in General Agriculture zone.</p>	<p>Application submitted complies with requirements, except fees paid.</p> <p>Agree. However, zone objectives provide direction on suitable activities, together with zoning table.</p> <p>Local is not defined, but would be considered as York and surrounding areas.</p> <p>Maintenance is not defined, but could be restricted through conditions of consent.</p> <p>Industry uses are defined in the Scheme. Industry – Rural is specifically defined and it is considered proposal is consistent with the definition.</p> <p>Incidental use is defined in the Scheme. The applied incidental use is and will be required to be subordinate to the rural industry. Conditions enable control of activity.</p> <p>Signage can be approved under the scheme.</p> <p>Owner’s consent has been provided.</p> <p>Sandblasting and painting should be conducted in accordance with WorkSafe guidelines within buildings with appropriate controls. To be conditioned.</p> <p>The Scheme and Act provides sufficient controls for the proposal.</p>	

As part of the consultation process, the applicant and objectors were advised in writing of the date of the Council meeting.

z) The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.

Noise and dust may result from the maintenance activities. However, these issues can be managed through conditions of consent.

aa) The comments or submissions received from any authority consulted under clause 7.4.

Not applicable.

bb) Any other planning consideration the local government considers relevant.
---

Retrospective application.
----------------------------